

2014 Trafficking in Persons (TIP) Report

-- On June 20, 2014, the Secretary of State will release the fourteenth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 9:00 AM Washington, DC time June 20, 2014.

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The U.S. government approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that the crime of human trafficking includes obtaining or maintaining victims' labor or services (including in the commercial sex market) through force, fraud, or coercion, whether overt or through psychological manipulation. Both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require that the victim be moved from one place to another to be considered trafficked.

-- Countries determined to be a country of origin, transit, or destination for at least two victims of severe forms of trafficking are included in the Report and assigned to one of four tiers. Countries assessed as fully complying with the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to bring themselves into compliance with those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to bring themselves into compliance are classified as Tier 3. The TVPA Minimum Standards are generally consistent with the UN TIP Protocol.

-- In addition, the Tier 2 Watch List consists of Tier 2 countries (that are making significant efforts, but) where: (1) there is a failure to provide evidence of increasing efforts to combat human trafficking over the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; (2) the Tier 2 classification was based

on commitments of anti-trafficking reforms over the coming reporting period; or
(3) the number of trafficking victims is very significant or significantly increasing.

-- Reflecting U.S. Congressional concern over countries ranked for several consecutive years on the Tier 2 Watch List, 2008 amendments to the TVPA mandate that any country that has been ranked Tier 2 Watch List for two consecutive years (beginning with the 2009 Report) be ranked Tier 3 in the third year unless they either: a) show sufficient progress over the coming nine months to warrant an upgrade to Tier 2 or Tier 1, or b) qualify for a waiver of the automatic downgrade provision. A country must be on Tier 2 Watch List for two consecutive years for this provision to take effect. It would not apply if, for example, a country was ranked Tier 2 Watch List one year, Tier 2 a second year, and Tier 2 Watch List a third year. The Secretary of State, through delegation of authority by the President, may waive the application of the statutorily mandated Tier 3 downgrade provision for up to two consecutive years based on his determination that a waiver is justified because the country has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the TVPA's minimum standards for the elimination of trafficking, and is devoting sufficient resources to implement that plan. If the Secretary has waived the automatic downgrade of a Tier 2 Watch List country for two consecutive years based on the above criteria and the country has not made improvements during this period to warrant removal from the Watch List, by law a waiver is not available for the third year and the country will subsequently be downgraded to Tier 3. The normal process for determining if Tier 3 restrictions are waived would then apply. The text of the TVPA and amendments can be found at <http://www.gpo.gov/fdsys/pkg/BILLS-113s47enr/pdf/BILLS-113s47enr.pdf>.

-- The TVPA also requires the Secretary of State to provide a list to Congress later in the year of countries that: a) moved up a full tier from the previous TIP Report (from 3 to 2 or from 2 to 1), or b) are ranked Tier 2 Watch List. Anti-trafficking efforts of the countries on this list are briefly evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President can instruct the U.S. executive directors to international financial institutions to vote against or use best efforts to deny loans

or other utilization of funds (other than for humanitarian, trade-related, or certain types of development assistance) for countries on Tier 3. The President's determinations on these assistance restrictions or waivers are required to be transmitted to Congress no later than 90 days after the release of the TIP Report.

-- The Child Soldier Prevention Act (CSPA) of 2008 (Title IV of Public Law 110457) requires publication in the annual Trafficking in Persons (TIP) Report of a list of countries that have governmental armed forces or government-supported armed groups that recruit or use child soldiers (as defined in the Act). The CSPA defines child soldier to include any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces, any person under 18 who is forcibly recruited into governmental armed forces, and any person under 15 who has been voluntarily recruited into those forces. It further defines "child soldier" to include any person under 18 who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state. A child soldier includes those serving in any capacity, including in a support role, such as a cook, porter, messenger, medic, guard, or sex slave.

-- In the fiscal year following the CSPA listing (starting October 1, 2014), governments of countries listed as having government or government-supported groups using child soldiers are subject to sanctions on a broad range of security assistance and commercial licensing of military equipment, absent a Presidential national interest waiver, applicable exception, or reinstatement of assistance pursuant to the terms of the CSPA. Nine countries are listed pursuant to the CSPA in the 2014 TIP Report: Burma, Central African Republic, Democratic Republic of the Congo, Rwanda, Somalia, South Sudan, Sudan, Syria, and Yemen.

-- The theme of this year's TIP Report is "The Journey from Victim to Survivor." Even the most effective justice system and the most innovative efforts to prevent future trafficking will not reverse the abuse and trauma victims have endured. With the right support and services, victims can move beyond suffering and forward with their lives. With the right legal structures and policies, they can see justice done. With the right opportunities, they can make choices about the lives they want and even help guide and strengthen future efforts to fight this crime. This process is unique for each victim, and each must take steps based on his or her own circumstances.

-- Governments can play a vital role in facilitating this process. While a government institution will never be able to reverse what has happened to someone abused in a situation of modern slavery, governments can aid an individual's

recovery by providing support to each victim on his or her journey toward becoming a survivor.

-- In the spirit of transparency and with a goal of strengthening efforts at home and in partnership with other countries, for the fifth consecutive year the TIP Report contains a tier ranking and narrative of U.S. progress in addressing human trafficking. This assessment evaluates the United States according to the same standards as other countries.